



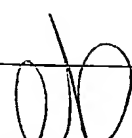
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,517	11/08/2001	Yasuhiro Doi	CU-2711 RJS	5426
26530	7590	10/04/2004		
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1200 CHICAGO, IL 60604			EXAMINER MUTSCHLER, BRIAN L	
			ART UNIT	PAPER NUMBER
			1753	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/008,517	Applicant(s) DOI ET AL.	
	Examiner Brian L. Mutschler	Art Unit 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Comments

1. The objection to the specification has been overcome by Applicant's amendment.
2. The objections to the claims have been overcome by Applicant's amendment.
3. The rejection of claims 1-6, 10, and 11 under 35 U.S.C. 112, second paragraph, has been overcome by Applicant's amendment.
4. Applicant's cancellation of claims 1-7 in the amendment filed August 6, 2004 is acknowledged.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Maenza et al.

(U.S. Pat. No. 5,494,782). Alternative 3:

Regarding claim 8, Maenza et al. teach a method comprising the reproduction of a die comprising a plating process to form a plating layer **52** on the positive features of a substrate **12** (product), followed by an electroforming process to form a metal master **64**

Art Unit: 1753

(stamper) (fig. 1; col. 1, line 60 to col. 2, line 34). The substrate has all of the structural and functional limitations recited in claim 8.

Since Maenza et al. teach all of the limitations recited in the instant claims, the reference is deemed to be anticipatory.

6. Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Yang et al. (U.S. Pat. No. 6,409,902).

Regarding claim 8, Yang et al. teach a method of forming a die (metal shell) comprising a deposition film forming process to form a metallization layer over a nonconductive product (master), which is subsequently subjected to an electroforming process to manufacture a stamper (metal shell) (col. 1, lines 15-32).

Since Yang et al. teach all of the limitations recited in the instant claim, the reference is deemed to be anticipatory.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. (U.S. Pat. No. 6,409,902), as applied above to claim 8, and further in view of Krinke (U.S. Pat. No. 5,997,709).

Yang et al. disclose a method having the limitations recited in claim 8, as explained above. Additionally, Yang et al. teach a method of forming a die from any object (col. 1, lines 15-51).

The method of Yang et al. differs from the instant invention because Yang et al. do not expressly disclose that the product is a lens sheet, as recited in claim 9.

Krinke teaches the formation of master and mother dies by an electroforming process to fabricate lenses (col. 2, lines 26-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the method taught by Yang et al. to fabricate lenses as taught by Krinke because Krinke teaches that electroformed dies can accurately mold lenses.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krinke (U.S. Pat. No. 5,997,709) in view of Ueda et al. (U.S. Pat. No. 4,537,732).

Regarding claim 10, Krinke discloses a method of reproducing dies comprising the steps of electroforming a mother die having a positive pattern on a master die, followed by electroforming a stamper having a negative pattern on the mother die (col. 2, lines 27-35). A plating process is used to form a diffusing layer on the master die **10** (col. 2, lines 35-45). The master die **10** can be used to directly produce a lens (col. 2, lines 27-35).

Regarding claim 11, the product is a lens (col. 2, lines 27-35).

The method of Krinke differs from the instant invention because Krinke does not teach a property check process to perform a property check of the molded product, as recited in claim 10.

Ueda et al. teach a method of molding a lens followed by a property check process to check for acceptable surface accuracy (col. 8, lines 15-37).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method of Krinke to use a property check process as taught by Ueda et al. because checking the properties of the product enables the maintenance of uniform and acceptable products.

Response to Arguments

10. Applicant's arguments filed August 6, 2004 have been fully considered but they are not persuasive.

11. Applicant argues that the references do not teach the step cutting savings offered by the methods recited in the instant claims. This argument is not persuasive because, even though the prior art methods may use additional steps, the language used in the instant claims is open to additional steps. Furthermore, there is no distinction between the structures recited in the instant claims and the intermediate products formed by the prior art methods. Each intermediate die, e.g., the father dies or mother dies, has a structure that is similar to that of the claimed patterned structures. Since the instant claims are not distinguished over the steps and features of the prior art, Applicant's arguments are not persuasive.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Mutschler whose telephone number is (571) 272-1341. The examiner can normally be reached on Monday-Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BLM
September 30, 2004